

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

NELVETTE SIEMION, d/b/a  
WHITE BUFFALO RANCH,

Plaintiffs,

vs.

UNITED STATES  
DEPARTMENT OF THE  
INTERIOR, BUREAU OF  
INDIAN AFFAIRS, ROCKY  
MOUNTAIN REGION,

Defendants.

CV-09-87-BLG-RFC-CSO

FINDINGS AND  
RECOMMENDATION OF  
UNITED STATES  
MAGISTRATE JUDGE

In an Order filed December 2, 2009, the Court ordered that “Plaintiff, by December 16, 2009, shall appear in writing and show cause, if any, why this case should not be dismissed for failure to comply with the Court’s previous Order and for failure to prosecute.” Court Doc. 14 at 2. The “previous Order” was one that the Court filed on October 20, 2009, directing Plaintiff to “retain new counsel or file a notice of intent to appear pro se with the Clerk of Court on or before Friday, November 20, 2009.” Court Doc. 13.

To date, Plaintiff has failed to comply with the show cause order and has filed neither a notice of appearance by retained counsel nor a notice of intent to appear pro se. It appears Plaintiff no longer wishes to proceed with this action. Accordingly,

IT IS RECOMMENDED that this matter be DISMISSED without prejudice for Plaintiff's failures to comply with Court orders and to prosecute.

IT IS ORDERED that the Clerk shall serve a copy of the Findings and Recommendation of United States Magistrate Judge upon the parties. The parties are advised that pursuant to 28 U.S.C. § 636, any objections to the findings and recommendation must be filed with the Clerk of Court and copies served on opposing counsel within fourteen (14) days after receipt hereof, or objection is waived.

The Clerk of Court is directed to serve a copy of these Findings and Recommendation on Plaintiff as follows: Nelvette Siemion, P.O. Box 7484, Fort Smith, MT 59035.

DATED this 23<sup>rd</sup> day of December, 2009.

/s/ Carolyn S. Ostby  
United States Magistrate Judge